THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 30TH DAY OF NOVEMBER, 2005

W.P.No. 25379 of 2005

Between:-

P. Eswaramma

--Petitioner

And

The Mandal Revenue Officer, Manchal Mandal, Ranga Reddy district and another.

--Respondents

Oral order:-

The petitioner assails the proceedings of the 1st respondent dated 25-04-2005 cancelling the assignment in respect of the land ad-measuring Ac.14-33 gts., in survey No. 60 of Khagathar village, Manchal Mandal, Ranga Reddy district and ordering resumption of land to the government.

The case of the petitioner is that she purchased the subject land from the original pattedars – Mir Yaseen Ali and his brothers under an agreement of sale. She also filed a suit being O.S.No. 940 of 1980 on the file of the Court of learned V-Additional Judge, City Civil Court, Hyderabad for specific performance of the agreement of sale and the same ended in a compromise decree dated 17-12-1980. Petitioner thereafter approached the concerned Revenue officials and obtained title deeds and pattedar pass books and statedly in possession of the property. She further alleged that on 25-11-2005 her son -- P. Krishna was served with the impugned order dated 25-04-2005 and then she came to know that the 1st respondent cancelled the assignment.

A reading of the impugned order would show that the petitioner purchased the assigned land, allegedly in contravention of the Sub-Section (2) of Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short the 'Act'), that a notice was issued to the petitioner and that she failed to submit explanation and, therefore, the 1st respondent passed impugned orders cancelling the assignment of lands and ordering resumption of assigned land to the government.

The matter was initially heard on 29-11-2005 and at the request of the learned Assistant Government Pleader for Revenue (Assignment) to get instructions in the matter, the matter was adjourned to today.

Learned counsel for the petitioner Mr. Vedula Venkataramana attacked the impugned order contending that no notice was issued to the petitioner as required in law, that the petitioner acquired rights in respect of the subject land by reason of a decree passed by the civil court in O.S.No. 940 of 1980 and that the land of the petitioner is not hit by the provisions of the Act. **Per contra**, learned Assistant Government Pleader produced the records and submits that the petitioner is not residing in the village and, therefore, notice was affixed in the notice board of the Gram Panchayat office on 10-04-2005 and the impugned order was passed in accordance with law. He also submits that the land in question was originally assigned to one Mr. Meer Yaseen Ali from whom the petitioner purchased in contravention of the provisions of Section 3(2) of the Act. Disputing the contention that the order was not served on the petitioner's son on 25-04-2005, learned Assistant Governmetn Pleader contends that the Panchayat Secretary served the copy of the impugned order on the petitioner's son on 25-04-2005 and, therefore, there is delay on the part of the petitioner. Lastly, he urged that against the impugned order, the petitioner has an effective alternative remedy by way of an appeal to the Revenue Divisional Officer under Section 4A of the Act and, therefore, the writ petition is not maintainable.

The file bearing No.B/1224/2005 is placed before this court. A perusal of the same would show that the notice was not personally served on the petitioner and the notice in Form No.I dated 09-04-2005 was displayed by the Panchayat Secretary on 10-04-2005 at the office of the Gram Panchayat, as the petitioner was not residing in the village. Further, the impugned order was also served on the son of the petitioner o n 28-04-2005 and, therefore, there is delay on the part of the petitioner in approaching this court. Learned counsel for the petitioner, however, does not dispute about the availability of alternative remedy. He only prays to protect the possession of the petitioner contending that the petitioner is in possession of the property and the same has not yet been taken. It is further disputed by the learned Assistant Government Pleader that under panchanama dated 03-06-2005, the Panchayat Secretary took possession of the property in the presence of the panchas. The attention of this court is also invited to the panchanama in the file produced.

The petitioner is now deprived of her property on an allegation that she purchased

the assigned lands in contravention of the provisions of the Act. If the competent authority i.e., Mandal Revenue Officer passed orders under Section 4 of the Act declaring any sale of assigned land as void, the Act provides for an alternative remedy under Section 4A to the Revenue Divisional Officer having jurisdiction over the matter. Therefore, all questions can be raised by the petitioner before such an appellate authority and she is given liberty to file an appeal. Insofar as the possession is concerned, as there is a dispute whether the petitioner is still in possession of the property, it would be in the interest of both the parties, there shall be an order of *status-quo* as on today for a limited period to enable the petitioner to approach the appellate authority to obtain appropriate orders to protect her possession.

In the result, for the above brief reasons, the writ petition is disposed of ordering *status-quo* as regards possession of the subject land as on today, for a period of two weeks from the date of receipt of a copy of this order. It is open to the petitioner to prefer an appeal before the concerned Revenue Divisional Officer within a period of ten (10) days from today and obtain appropriate orders from the Revenue Divisional Officer.

The writ petition is, accordingly, disposed of. No costs.

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V.V.S. RAO, J

Dated: 30-11-2005

Pvks/*

Nb:- 1. Registry to furnish operative portion of the order by wire at party's costs.

2. Registry to furnish c.c. on Monday i.e., 05-12-2005.

B/o pvks/*